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## facsimile transmittal

To: Mr. Blaine Copenheaver  
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US Patent & Trademark Office

Fax: 571-273-1156

From: Michael McLaughlin

Date: 2/17/2004

Re: Application No. 10/042,631

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Mr. Copenheaver:

The original citation of prior art (including drawings) is being sent to you by courier. Please call me if you have any questions or require additional information.



Michael W. McLaughlin, P.E.

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**Citation of Prior Art Under 35 U.S.C. § 301 and 37 CFR 1.501**

In re patent application of  
Thierry R. Sanglerat, et al.

Application No. 10/042,631

Filed: January 11, 2002

For: Method and system for  
protecting buildings from  
subsurface gases

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## Citation of Prior Art Under 35 U.S.C. § 301 and 37 CFR 1.501

To the Honorable Commissioner of Patents and Trademarks:

We hereby submit the following prior art publications (including copies thereof) which are pertinent to the patent application listed above and which are relevant to the patentability of claims 1-5 and 7-11 thereof:

1. Design Drawings for Kitchen/Staff Locker Addition Gas Control System Plan (Sheet G-2) and System Detail Drawings (Sheet G-3) prepared by SCS Engineers, dated January 29, 1993<sup>1</sup> ("Rikers Island 1").
2. Design Drawings for Building A Gas Abatement System Plan (Sheet G-1) and System Detail Drawings (Sheet G-3)<sup>2</sup> prepared by SCS Engineers, dated January 29, 1993<sup>3</sup> ("Rikers Island 2").
3. Design Drawings for Gas Control System (Sheet G1.1) prepared by SCS Engineers, dated February 9, 1987 ("Rosemont").

To the best of our knowledge, (a) Rikers 1 and Rikers 2 were submitted to the New York City Department of Buildings; New York Department of General Services (now called the Department of Design and Construction); New York Department of Environmental Protection; New York Department of Correction; and the Office of the Mayor, Occupational Safety and Health Programs; and were publicly bid; and (2) Rosemont was submitted to the fire marshal and building authorities in the City of Rosemont, Illinois, and distributed for bid.

The extraction system for Rikers 1 draws air and entrained gases from a network of slotted pipe installed in a gravel bed and connected to a header (manifold). The air and entrained gasses are exhausted through a riser attached to a wind turbine. The system also includes a series of passive pipes interconnecting the gravel beds.

Rikers 2 and Rosemont disclose gas control systems consisting of an active extraction system and a separate passive venting system. Both systems are installed in a gravel bed beneath the structure. The

<sup>1</sup> From Bid Package for Plumbing, Fire Protection, Gas Abatement System and Related Work dated March 1, 1993.

<sup>2</sup> See item 1 above. Only one copy of Sheet G-3 is included with this Citation of Prior Art.

<sup>3</sup> From Bid Package for Plumbing, Fire Protection, Gas Abatement System and Related Work dated March 1, 1993.

active systems draw air and entrained gas through a blower<sup>4</sup> attached to a network of perforated or slotted pipe connected to a header (manifold). The separate passive fresh air systems consist of fresh air inlets attached to headers (manifolds), which in turn are attached to a network of perforated or slotted pipe interspersed with the active system piping.

While not identical to Sanglerat's design, Rikers 1 employs many of the same design concepts and is relevant to patentability of at least claims 1, 2, 4, 5, 7, 8, 9, 10 and 11.

It is believed that the designs for Rikers 1 and Rosemont are identical to Thierry R. Sanglerat's design in all material respects, with the exception these designs did not require treatment of the gas before venting. Therefore, these designs directly affect the patentability of at least claims 1, 2, 3, 4, 5, 7, 8, 9, 10 and 11.

Respectfully submitted,

Date: February 17, 2004



Michael W. McLaughlin, P.E.  
Senior Vice President  
SCS ENGINEERS

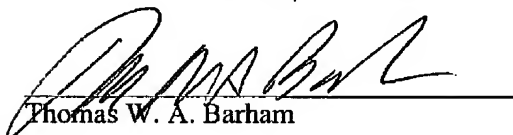
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#### Certificate of Service

I hereby certify that a true and correct copy of the above Submission of Prior Art was mailed on February 17, 2004 by first-class mail, postage paid, to:

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Baker, Donelson, Bearman & Caldwell  
Five Concourse Parkway, Suite 900  
Atlanta, GA 30328

  
Thomas W. A. Barham

<sup>4</sup> The blower for Rosemont is mounted on the roof. The blower for Rikers 1 is located on a separate blower pad.